CP 100/-

3

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P NO 3246 /2003

PETITIONER: Cement Corporation of India Ltd. Akaltara Cement Factory, P.O Akaltara, Distt. Janjgir-Champa-Chhattisgarh: Through:- Its General Manager.

Vs.

RESPONDENTS:

1. Smt. Malti Bai, Sahu Wd/o late Sri Kanwar Lal Sahu, aged 41 yrs.
2. Ravi Kumar Sahu, aged 17yrs S/o Late Sri Kanwar Lal Sahu
3. Hanuman Prasad aged 14 yrs S/o Late Sri Kanwar Lal Sahu

   All R/o Ward No 14, Labour Colony, Akaltara, Distt.Janjgir-Champa, Chhattisgarh
4. The Commissioner , Under the Workmen Compensation, Labour Court, Bilaspur, Chhattisgarh
5. M/s Deep Trading Company Through: Its Proprietor, P.O Akaltar, Distt. Janjgir-Champa Chhattisgarh

P. R. No. 3097.03
Presented by Shri R.S. Baghel
dated 02.12.03

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

62

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3246/2003 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8-11-2006 Shri P.S. Koshy, Advocate for the petitioner. Heard learned counsel for the petitioner. By the instant petition under Article 226/227 of the Constitution of India, the petitioner has impugned the award dated 31-7-2003 of Annexure P-1 passed by Commissioner, Workmen Compensation, Bilaspur whereby an award of Rs. 2,13,188/- has been passed in favour of the respondents No. 1 to 3. Admittedly the award is appellable under Section 30 of the Workmen Compensation Act, which is not disputed by the learned counsel for the petitioner. However, he submits that he has preferred this writ petition solely on the ground that the petitioner is a sick industrial company and there would be a problem in complying with the provisions under Section 30 of the Workmen Compensation Act in preferring an appeal. Taking into consideration that the petitioner has alternative remedy of filing an appeal against the impugned award, the instant petition is not maintainable and the same is dismissed with liberty to the petitioner to file an appeal under relevant provisions of the Workmen Compensation Act and in case such appeal is filed by the petitioner, period for which this petition is pending may be considered for the purposes of condoning the delay. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.